

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

April 28, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:34 AM by Chair Susan Schaefer Kliman.

Presentation of wall plaques to former Board members of the Board of Technical Registration's appreciation of service – Dr. Schaefer Kliman

acknowledged and thanked former Board members Ms. Joy Lyndes, Mr. Ronald Starling, and Mr. Richard Pawelko for their time and services to the Board both during their appointment to the Board and continued assistance after expiration of their terms.

2. **ROLL CALL** - Board Members in Attendance: Sheila Bowen, Karen Cesare, Dawn Garcia, Stuart Lane, Chet Pearson, Claudia Perchinelli, Susan Schaefer Kliman, and Howell "Chip" Shay. Absent: Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Melissa Cornelius.

3. **CALL TO THE PUBLIC** – No members of the public spoke.

4. **ADOPTION OF MINUTES** – Mr. Lane moved to approve the March 24, 2009 minutes. Mr. Pearson seconded. After discussion and clarification of a minor change to item 8.1 for the formal hearing to go before the Board and not OAH, Motion Carried.

5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Proposed Consent Agreements

1. M07-022, Allan Lee Gray, Land Surveyor #31595 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$235.00. Mr. Pearson seconded. After discussion, Motion Carried.

2a. M07-040, Donald C. Allen, Land Surveyor #39258

2b. M07-063, Donald C. Allen, Land Surveyor #39258

The following motion encompasses Cases M07-040 and M07-063. Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Probation: Respondent's land surveyor registration shall be placed on

probation for 90-days. During this probationary period, Respondent shall amend the following surveys and record them with the Cochise County Recorder's Office: a) Survey of May 24, 2005, Record of Survey of a portion of the NW1/4 of Section 2, T24S, R27E, G&SRBM, Cochise County, Arizona. The Survey was recorded in Book 27 Page 53 of the Cochise County Recorder's office and b) Survey of November 6, 2006, Record of Survey for Parcel APN 208-11-006J located in the East Half of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 23, T19S, R22E, G&SRBM, Cochise County, Arizona; Peer Review: Respondent shall submit his next three (3) boundary survey projects for peer review; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$650.00. Ms. Garcia seconded. After discussion, Motion Carried. (Mr. Pearson was out of the room during this item and did not vote.)

3a. M08-037, Tony M. Enriquez, Architect #33297

3b. M08-086, Tony M. Enriquez, Architect #33297

The following motion encompasses M08-037 and M08-086. Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Peer Review: Respondent shall submit his next three (3) architectural projects for peer review; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$425.00. Ms. Garcia seconded. After discussion, Motion Carried. (Mr. Pearson was out of the room during these items and did not vote.)

4. M08-128, Case Forensics Corp. – Ms. Perchinelli moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00 and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$85.00. Ms. Cesare seconded. After discussion, Motion Carried.

B. Proposed Letters of Concern

1. M08-109, Stan G. Faris, Land Surveyor #35235 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to attach his tags to found monuments. Mr. Pearson seconded. After discussion, Motion Carried

2. M08-121, Randall D. Harris, P.E. (Civil) #27776 – Ms. Bowen cited a Conflict of Interest in this matter and did not participate in the discussion or voting.. Respondent and his attorney, Jeffrey Parker, Esq., addressed the Board. Mr. Pearson moved to issue a Letter of Concern for Respondent to be sure all letters containing professional opinions are sealed prior to release from the office. Mr. Lane seconded. After discussion, Motion Carried. (Ms. Garcia and Mr. Shay voted Nay.)

C. Review, Discussion and Consideration

1a. M08-089, Gene Goldstein, Architect

1b. M08-091, Gene Goldstein, Architect

The following encompasses Cases M08-089 and M08-091. Ms. Garcia moved to refer this matter back to Staff to offer a Consent Agreements to the Respondent, Gene Goldstein, and the Firm, Gene Goldstein Architect, encompassing a Letter of Reprimand for failing to pay collaborating professionals on projects when the firm received payment from its clients. Ms. Cesare seconded. After discussion, Motion Carried (Mr. Pearson voted Nay.)

2a. M09-038, Castro Engineering

2b. M09-042, Castro Engineering

2c. M09-053, Castro Engineering

2d. M09-097, Castro Engineering

The following encompasses Cases M09-038, M09-042, M09-053 and M09-097. Ms. Bowen and Ms. Perchinelli cited a Conflict of Interest in these matters and did not participate in the discussion or voting. Ms. Joy Lyndes of SAGE Landscape Architects addressed the Board. Ms. Garcia moved refer this matter back to Staff to offer a Consent Agreement to 1) Respondent, Frank Castro, encompassing a Letter of Reprimand and the Cost of Investigation; and 2) the Firm, Castro Engineering, a Letter of Reprimand, Restitution made to the firms that Castro Engineering failed to pay after receiving payment from its clients and the Cost of Investigation. Mr. Lane seconded. After discussion, Motion Carried. (Mr. Pearson voted Nay.)

3a. M08-029, Architectural Design by DeLorme & Associates

3b. M08-094, Architectural Design by DeLorme & Associates

3c. M08-099, Architectural Design by DeLorme & Associates

3d. M09-047, Architectural Design by DeLorme & Associates

3e. M09-050, Architectural Design by DeLorme & Associates

The following encompasses Cases M08-029, M08-094, M08-099, M09-047 and M09-050. Mr. Shay moved to offer a Consent Agreement encompassing the following to the Firm, Architectural Design by DeLorme & Associates, for a Letter of Reprimand and Restitution made to the firms that Architectural Design by DeLorme and Associates failed to pay after receiving payment from its clients and the Cost of Investigation. Mr. Lane seconded. After discussion, Motion Failed. (Aye: Mr. Shay, Mr. Lane, Ms. Bowen and Ms. Perchinelli; Nay: Mr. Pearson, Ms. Cesare, Ms. Garcia, and Dr. Schaefer Kliman.)

Second Motion made by Mr. Cesare to have Staff offer the Firm a Consent Agreement encompassing a Letter of Reprimand. Mr. Shay seconded. Motion Carried.

Staff was directed to obtain additional information regarding Nicholas Sachleben, who was the responsible registrant for Architectural Design by DeLorme and Associates before taking any disciplinary action on Sachleben. The matter regarding Sachleben was tabled.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Letter of Concern

1. HI09-005, Scott W. Linaman, CHI #39425 – Mr. Lane moved to accept Staff's recommendation that a Letter of Concern be issued to Respondent for reporting deficiencies. Ms. Garcia seconded. After discussion, Motion Carried.

B. Proposed Consent Agreements

1. M06-108, Genny L. Setford, CHI #39317 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$250.00; Open Book Test: Respondent shall take an successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$117.00. Ms. Garcia seconded. Ms. Genny Setford addressed the Board. After discussion, Motion Carried.
2. HI07-093, David J. Marshall, CHI #38146 – Ms. Garcia moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00; Probation: Respondent's Certificate shall be placed on probation until restitution has been made to Dianne Mitchell in the amount of \$300.00; Open Book Test: Respondent shall take an successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$180.00. Mr. Lane seconded. After discussion, Motion Carried. (Mr. Pearson voted Nay.)
3. HI08-015, Arthur O. Gregory, CHI #45992 – Ms. Garcia moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Voluntary Surrender of Certificate; Restitution: Respondent shall pay restitution to Laura Tokioka in the amount of \$250.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$190.00. Mr. Lane seconded. Ms. Laura Tokioka addressed the Board. After discussion, Motion Carried.
4. HI08-022, Raymond G. Zylla, CHI #38072 – Ms. Perchinelli moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$100.00; Open Book Test: Respondent shall take an successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$155.00. Mr. Lane seconded. After discussion, Motion Carried.

5. HI09-017, Daniel E. Haydon, CHI #38067 – Ms. Cesare moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Restitution: Respondent shall pay restitution to Deborah Kuehn in the amount of \$400.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$78.00. Ms. Garcia seconded. After discussion, Motion Carried.

7. Review, Consideration, and Possible Vote on the following:
EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Applicants For Examination

1. Derrin L. Dallman – Land Surveyor Applicant #090142 – Mr. Lane moved to allow Mr. Dallman to take the Land Surveyor In-Training Examination. Ms. Garcia seconded. After discussion, Motion Carried.

2. Bryan D. Rollins – Architect Applicant #081843 – Mr. Shay moved to allow Mr. Rollins to take the Examination. Mr. Lane seconded. After discussion, Motion Carried.

B. Applicants For Registration

1. Gholam R. Ehteshami, P.E. (Chemical) Applicant #081862 – Mr. Pearson moved to grant Mr. Ehteshami registration. Ms. Garcia seconded. After discussion, Motion Carried.

2. Glenn M. Bonita, P.E. (Electrical) Applicant #081324 – Mr. Pearson moved to grant Mr. Bonita registration. Ms. Cesare seconded. After discussion, Motion Carried.

3. Todd W. Kuhlman, Architect Applicant #090193 – Mr. Shay moved to grant Mr. Kuhlman registration. Ms. Perchinelli seconded. After discussion, Motion Carried.

4. Dustin K. Rosepink, P.E. (Civil) Applicant #081366 – Ms. Bowen moved to accept Mr. Rosepink's current supervisor. However, Mr. Rosepink still needs two (2) months of additional supervision before the Board can grant him registration. Ms. Perchinelli seconded. After discussion, Motion Carried.

5. Adam P. Bronnenkant – P.E. (Civil) Applicant #082101 – Adam Bronnenkant and his attorney, Mary LaRue Walker, addressed the Board. Mr. Pearson advised he knows the Applicant's attorney, Ms. Walker, but does not have a conflict of interest to participate in this item. This matter was tabled pending additional information from Mr. Bronnenkant.

8. Review, Consideration, and Possible Vote on the following:
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in training registration

2. Approval to sit for the professional or in training examination
3. Recommendation for denial of professional or in training examination
4. Recommendation for denial of professional or in training registration

Mr. Lane moved to accept the committee and staff recommendations listed in item 8.
Mr. Shay seconded. Motion Carried.

9. Review, Consideration, and Possible Vote on the following:

1. Acceptance by municipalities of site depictions without professional seals.

Dr. Schaefer Kliman provided background information regarding this issue. Mr. Lane moved to have the Board send a technical letter to the City of Tucson Development Services Department indicating their Policy is in conflict with State statutes and is not consistent with the Board's statutes and rules. Mr. Shay seconded. After discussion, Motion Carried.

2. Notification to new registrants of A.R.S. § 32-141 Firm Registration requirements.

Ms. Cesare presented concerns regarding disciplinary actions against new registrant firms, seeking a low cost/no cost way to notify new registrants of the need to register their firm. Mr. Dalrymple advised the Board sends firm registration information out with the application packages and will implement additional notification by providing notification with the new grant letters. This matter will also be placed on the next Legislation and Rules Committee agenda for discussion.

10. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The exceptions are for rules that have a critical health, safety, and welfare component. None of the rules under consideration by the Board before the suspension was initiated qualify for an exemption.

Staffing Report:

The Board is now down four (4) positions due to the hiring freeze.

Budget:

We are approaching the last quarter of this fiscal year and it appears our revenues will be sufficient to cover anticipated expenditures.

The Governor publicly stated that all agencies were to prepare plans in February for budget reductions up to 20% for this fiscal year. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time. We have been partially following the reduction due to the hiring freeze, and have currently reduced the FY09 spending by approximately 7%.

Board Appointments

We have not received any information indicating there have been any new appointments to the Board.

11. BOARD CHAIR'S REPORT – Nothing at this time.

12. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised there is nothing to report at this time. There is an L&R meeting scheduled that will be held after this meeting so the next update will be made at the May 19, 2009 Board meeting.
2. Budget Committee – Mr. Dalrymple advised the Board appears to be able to make it through this year and won't have any information on FY2010 until we hear from the Legislature.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS Committee met on April 15, 2009. There are several concerns the Committee is working on, including Enforcement Standards, Discount Services, Inspection Standards, Foreclosure Inspections and Limits of Inspections. Mr. Dalrymple advised the Board is preparing additional training for all Enforcement Advisory Committee members.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Nothing to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report. Ms. Perchinelli will be attending the Western Zone meeting this June in Alberta Canada.
2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman attended NCARB's Western Zone ("WCARB") meeting in April 2009. The Intern Development Program ("IDP") was discussed and a "rolling clock" was adopted in June has gone into effect requiring applicants to report on experience every six (6) months to keep this information current. Arizona applicants who have a file open by June 30, 2009 will have 12 months to make a report. If a report is not made the applicant will lose time from the front. There is a two (2) month grace period to get the information reported. It is imperative to get the word out for applicants to get this file started and their work experience updated. IDP is going to be revamped to simplify things and everything is reporting on-line. Dr. Schaefer Kliman will be attending the annual meeting this June in Chicago, Illinois. One of the four agenda items is the Building Information Modeling where a vote will take place regarding changes to the Model Law for responsible control.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Ms. Garcia advised the next meeting will be in November, 2009. There is a Task Analysis Survey taking place to help make sure the proportion of specialty types of

questions on the exams reflect what people actually do so the Spring Exam will correlate with this.

14. REPORT FROM RONALD STARLING, EMERITUS MEMBER, REGARDING NCEES STRUCTURAL EXAMINATIONS

Mr. Starling advised there are changes pending for the structural engineering examination. Currently the exam is split in two sections; however, NCEES never intended to have the exam "split" with the Structural One exam a stand alone test for registration. NCEES has prepared a new 16-hour examination which will replace the current "split" examinations. A vote will be held at the annual meeting in June to accept the new examination. If it passes, the current tests will be obsolete and any applicants who have not passed both examinations will essentially have to start over again, taking the new examination. Examinees will need to determine the structural bridge or structural building designation prior to sitting for the examination.

15. FUTURE BOARD MEETINGS – Tuesday, May 19, 2009 at 9:30 AM

16. FUTURE AGENDA ITEMS

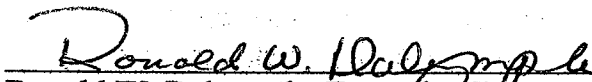
None at this time

17. ADJOURNMENT – Meeting adjourned at 1:15 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Kliman, Chair


Ronald W. Dalrymple, Executive Director